

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EPICE CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	
)	Case 4:07CV00206 HEA
THE LAND REUTILIZATION)	
AUTHORITY OF THE)	
CITY OF ST. LOUIS, et. al.,)	
)	
Defendants.)	

DEFENDANT, THE CITY OF ST. LOUIS, MISSOURI,
MOTION FOR SUMMARY JUDGMENT REGARDING COUNT III OF
PLAINTIFF'S FOURTH AMENDED COMPLAINT

Comes now Defendant, the City of St. Louis, Missouri (hereinafter, "Defendant" or "City"), and for its Motion for Summary Judgment Regarding Count III of Plaintiff's Fourth Amended Complaint, states as follows:

1. Defendant submits that summary judgment should be granted regarding Count III of Plaintiff's Fourth Amended Complaint in that there is no genuine issue as to any material fact and Defendant is entitled to judgment as a matter of law in that Plaintiff was not legally entitled to notice of the May 8, 2003 Notice of Condemnation regarding the fence on the subject property.

2. A Statement of Uncontroverted Material Facts and a Memorandum of Law in Support of this Motion are filed herewith and incorporated by reference herein.

WHEREFORE, Defendant, the City of St. Louis, Missouri, pray that this Court grant its Motion for Summary Judgment Regarding Count III of Plaintiff's Fourth Amended

Complaint, and for all other relief this Court deems just and proper.

Respectfully submitted,

PATRICIA A. HAGEMAN,
City Counselor for the City of St. Louis

/s/ Robert M. Hibbs
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CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically on the 2nd day of February, 2010, with the Clerk of Court to be served by operation of the Court's electronic filing system upon all parties of record.

/s/ Robert M. Hibbs
Robert M. Hibbs #537348